HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 17602 OF 2006

DATED: 30.8.2006

Between:

Cool Well Hi-Tech Cold Storage Pvt Ltd

… Petitioner

and

The Managing Director, APCPDCL and others

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.17602 OF 2006

ORAL ORDER:

The writ petition is filed aggrieved by the action of the respondents in converting/revising the energy supply connection from Category HT-I to Category HT-II and issuing a bill dated 26.7.2006 treating the petitioner's service as Category HT-II. The petitioner alleges that this revision has been made by the respondents without notice or opportunity to him and without recording any reasons for the said action.

Sri M. Sreeramulu Reddy, the learned counsel for the respondents, has taken time on two earlier occasions for obtaining instructions on this grievance of the petitioner. Today, he seeks further time and states that he has not yet received instructions from the respondents.

In the aforesaid circumstances, as it prima facie appears that the change in the category of the petitioner's service connection has been made by the respondents without notice or opportunity to him and without recording

reasons for the same, there shall be a direction to the respondents not to disconnect power supply to the petitioner, on the petitioner paying charges for the energy consumed on the basis that the supply is of Category HT-I. The respondents shall issue forthwith a revised bill in lieu of the bill dated 26.7.2006, treating the petitioners supply as Category HT-I. On receipt of such bill, the petitioner shall pay the energy charges as per such revised bill and shall continue to pay the current consumption charges as an HT Category-I consumer.

It is however open to the respondents to issue a notice to the petitioner, setting out the reasons for change of category and after receipt of explanations from the petitioner, consider the same and pass an order, determining whether the petitioner's category should be HT Category-I or HT Category-II, duly recording reasons for the action.

The writ petition is disposed of. No order as to costs.

GODA RAGHURAM, J

Date: 30.8.2006
Note: CC in two days.
cvm